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able autobiography and to publish them in separate form. It is not meant to suggest that they were hidden away in the autobiography and lost to the general reader, but many people would not have supposed that the autobiography of the man of affairs, dealing with many subjects of interest, contained the most important account of the First Conference from day to day which has hitherto been published, but such is the fact, and the public, thanks to Mr. Meade, has its attention called to Dr. White's account, which is so brief that it can be read at a sitting and so accurate that it needs little or no correction from other sources.

Dr. White kept a diary during every day of the First Conference, at which he had the honor to represent the United States as chairman of the American delegation. He jotted down the occurrences of the Conference from day to day, with the result that the little volume now separately published enables the reader to appreciate the feelings of despondency with which the Conference met, the gradual growth of an interest in its proceedings, and the means by which what promised to be a failure became a great and unqualified success.

If it be noted that Dr. White enlightens his narrative with sketches of the leading personalities, often repeating conversations, and that the social events connected with the Conference are duly chronicled, and that he has gathered up and preserved the amusing incidents which came to his notice, the general reader who is not interested in the Conference itself, or its results, will find the little book as agreeable and fascinating as a novel.

To the specialist, however, these brief entries are of priceless value to which he will turn not merely for a record of actual happenings, but for the views of a distinguished, interested and effective participant in the First Peace Conference held at The Hague. It is to be hoped that these are but extracts from the diary and that Dr. White's full account will some day be given to the public. In the meantime the little book will both interest and instruct the public.

JAMES BROWN SCOTT.

Die Zweite Haager Friedenskonferenz. By Otfried Nippold. Part I. Das Prozeserecht, pp. 231, lxxxii. Part II. Das Kriebsrecht, pp. 267, xvii. Leipzig: Duncker & Humblot. 1908 and 1911.

Professor Nippold, well known for his admirable work entitled *Die Fortbildung des Verfahrens in völkerrechtlichen Streitigkeiten*, which ap-

peared on the eve of the Second Hague Conference, has written a careful and minute examination of its proceedings and its results. The first part, devoted to procedure, appeared in 1908; the second part, devoted to the action of the Conference on the question of war, with reference to the Declaration of London, appeared in 1911. It was to be expected from a publicist of Professor Nippold's standing that his work would be accurate, and the reader who consults it will not be disappointed. And it would likewise be expected that Professor Nippold should, in the course of the work, reiterate the views so forcibly expressed in *Die Fortbildung des Verfahrens in völkerrechtlichen Streitigkeiten*, written in view of the approaching Second Conference, and in this case too the reader would not be disappointed.

It is not the reviewer's intention to consider in detail Professor Nippold's statements based upon the proceedings of the Conference. Suffice it to say on this point that a very careful reading of the volume shows that the work has been conscientiously done and that the reader may rely with confidence upon Professor Nippold's statements of fact. The point of view from which the book is written is that of a professed believer in arbitration, although the parts relating to war are carefully and adequately discussed. While thus commending the book without reservation, as to facts, the present reviewer is not so sure of the conclusions which Professor Nippold draws from them, and he would like to call attention to Professor Nippold's treatment of the proposed Court of Arbitral Justice as unsympathetic, if indeed it be not based upon a misapprehension of it and of the service which it could render. The learned author evidently looks upon international arbitration as an ultimate development, instead of seeing in it a transition from self-redress to judicial settlement. It is true, as laid down by the First Conference, that the object of arbitration is the settlement of international disputes by arbiters or judges of the parties' own choice and on the basis of respect for law. It does not necessarily follow, even if this be admitted, that the choice of judges to be called upon to decide a controversy shall be made by the parties on the eve of submitting the controversy, or with respect to any particular controversy. Nor does it follow that the nations might not constitute an arbitral board, agree upon its composition, and invest it, thus constituted, with jurisdiction over any or all controversies of an arbitrable nature which might arise among them. Freedom of choice does not necessarily consist in choice at any one time, and it is difficult to see how the selection of arbiters might not be made

with equal propriety before, as after, the controversy has arisen. This is, however, a minor matter.

Professor Nippold believes that the creation of the proposed Court of Arbitral Justice would, if the expression be permissible, denature arbitration. This result does not necessarily follow, because the proposed court is not to displace the so-called Permanent Court of Arbitration, but to exist alongside of it, leaving the nations free to form a special or temporary tribunal with arbiters of their own choice, should they so desire, or to refer the controversy to a permanent tribunal whose composition is known in advance. Which is the better institution may well be a matter of doubt, and some publicists prefer the present system of arbitration, others the judicial settlement of legal questions by a Permanent International Court of Justice composed of judges by profession. Professor Nippold prefers the former, the reviewer the latter, method. The reviewer, however, cheerfully admits the services which arbitration has rendered in the past and believes that temporary tribunals will be created in the future and render like services. He believes, however, that there is a difference between the settlement of international disputes "on the basis of respect for law," to use the language of the Convention for the Pacific Settlement of International Disputes, and the decision of legal controversies by the passionless and impartial application of principles of law.

Nations which have practiced arbitration for centuries, such as Switzerland, of which Professor Nippold has the honor to be a citizen, have discarded arbitration for judicial settlement, and it is believed that the reasons which led Switzerland will lead nations in the long run to prefer the judicial settlement of legal questions by a Permanent Court of Justice, although they may prefer, and in the writer's opinion they will prefer, to submit questions of a political nature, although involving law, to temporary tribunals, whose judges they can appoint, whose actions they may hope to control, or whose opinions or past conduct leads them to expect a favorable decision. Which method is the better, time alone can tell, and it seems better to approach a question with an open and an unbiased mind, rather than to insist that a different development is unacceptable because it is different. On this point the reviewer would suggest Dr. Wehberg's book entitled *Das Problem eines internationalen Staatengerichtshofes* as an antidote to Professor Nippold's views on the subject.

JAMES BROWN SCOTT.